

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

LISA AND SCOTT CAVE, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

SAXON MORTGAGE SERVICES, INC.
and OCWEN LOAN SERVICING, LLC,

Defendants.

Case No. 2:11-CV-04586-JP

Hon. John R. Padova

ORAL ARGUMENT REQUESTED

**NOTICE OF MOTION TO DISMISS THE
COMPLAINT BY SAXON MORTGAGE SERVICES, INC.**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the Declaration of Jeanette V. Torti and its exhibits, and all other pleadings and proceedings in this action, Saxon Mortgage Services, Inc. ("Saxon"), by its counsel, Bingham McCutchen LLP, will move this Court before the Honorable John R. Padova, at the United States Courthouse, 601 Market Street, Room 17613, Philadelphia, Pennsylvania 19106, at a date and time to be designated by the Court, for an Order dismissing the Complaint in this action with prejudice pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and other applicable law and seeking such further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that opposition papers should be served on Saxon's counsel pursuant to Local Rule 7.1(c). This Motion shall be deemed uncontested unless responding papers are filed in accordance therewith.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 7.1(f), Saxon respectfully requests the Court hear oral argument.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 7.1(a), a proposed form of Order is submitted herewith.

Dated: October 19, 2011

Respectfully submitted,

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